

**010 UNPROFESSIONAL CONDUCT.** In addition to the acts specified in Neb. Rev. Stat. 71-148, of the Uniform Licensing Law, actions or practices which fail to conform to accepted standards for medical nutrition therapy and which could jeopardize the health, safety and welfare of the patient shall constitute unprofessional conduct by a medical nutrition therapist and shall include but not be limited to the following:

**010.01** Intentional failure to report through the proper channels the incompetent, unethical or illegal practice of any person who is representing himself or herself as a licensed medical nutrition therapist.

**010.02** Engaging in sexual harassment of a patient. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unnecessary in the professional relationship with a patient.

**010.03** Discrimination against other individuals on the basis of race, creed, religion, sex, age, and national origin.

**010.04** Failure to remain free of conflict of interest while fulfilling the objectives and maintaining the integrity of the medical nutrition therapy profession.

**010.05** Failure to maintain confidentiality of information.

**010.06** Failure to use factual information to inform the public and colleagues of his\her services.

**010.07** Advertising in a false or misleading manner.

**010.08** Promoting or endorsing products in a manner that is false or misleading.

**010.09** Permitting the use of her\his name for the purpose of certifying that medical nutrition services have been rendered when he\she has not provided or supervised the provision of those services. **010.10** Attempting to provide treatment information to patient(s) that is beyond the licensee's level of education, training and expertise.

**010.11** Delegating to other personnel those patient related services for which the clinical skills and expertise of a licensee are required.

**010.12** Encouraging or promoting the practice of medical nutrition therapy by untrained or unqualified persons.

**010.13** Failure to safeguard the patient's dignity and right to privacy.

**010.14** Performing or agreeing to perform medical nutrition therapy services, that have been requested when such services are known to be contraindicated or unjustified.

**010.15** Performing or agreeing to perform procedures that have been requested when such procedures are known to be outside of the medical nutrition therapy scope of practice.

**010.16** Obtaining any fee for professional services by fraud, deceit or misrepresentation including, but not limited to, falsification of third party claim documents.

**010.17** The use of any letters, words or terms, either as a prefix, affix, or suffix on stationery, in advertisements or otherwise, indicating that such person is entitled to practice a system or mode of healing for which he\she is not licensed and/or certified.

**010.18** The violation of an assurance of compliance entered into under section 71-171.02 of the Uniform Licensing Law.

**010.19** Failure to keep and maintain adequate records of treatment of service.

**010.20** The use of undue influence to entice patients to commit actions that are emotionally or financially detrimental.

**010.21** Being unable to competently perform medical nutrition therapy functions because of a psychological impairment.

**010.22** Use of alcohol or other drugs to the point that there is interference with the performance of services provided by the professional.

**010.23** Falsifying or not completing patient's records.

**010.24** Nothing in section 009 or 010 shall be construed to exclude determination of additional conduct that is unprofessional by adjudication in individual contested cases.